



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

W.P.No.8039 of 2022

Rajagopalan

...Petitioner

Vs

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road, Mylapore,
Foreshore Estate, Chennai,
Tamil Nadu - 600028.

2. The District Registrar,
Office of the District Registrar,
Nagapattinam District.

3. The Sub Registrar,
Office of the Sub-Registrar of Mannargudi,
Mannargudi, Nagapattinam District.

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 31.01.2022 and to remove the wrong entry made in the encumbrance certificate in respect of the property of an extent of 3088 sq.ft comprised in Survey No.1515/1 situated at No.41/24, Gopalamuthiram South Street, Mannargudi Town, Mannargudi Taluk and District within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.G.Ilamurgu

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 31.01.2022 and to remove



the wrong entry made in the encumbrance certificate in respect of the property of an extent of 3088 sq.ft comprised in Survey No.1515/1 situated at No.41/24, Gopalamuthiram South Street, Mannargudi Town, Mannargudi Taluk and District within the time frame fixed by this Hon'ble Court.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition, on the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that, the petitioner's father purchased the property to an extent of 3088 sq.ft comprised in Survey No.1515/1 situated at No.41/24, Gopalamuthiram South Street, Mannargudi Town, Mannargudi Taluk and District by registered sale deed dated 08.07.1962. Thereafter, the revenue records were mutated in the name of the petitioner's father. Though there is no dispute or litigation with regard to the subject property, there is a Court Decree attachment in E.P.No.292 of 1988 in O.S.No.84 of 1981 on the file of the District Munsif Court, Mannargudi found in the encumbrance certificate on the subject property which had been registered in the office of the Sub-Registrar, Mannargudi as Document No.5 of 1989, dated 03.02.1989 which is no way relevant to the subject property. Instead of some other property, the encumbrance are made in the petitioner's property which is not sustainable. In order to remove the wrong entry made in the encumbrance certificate in respect of the subject property, the petitioner made a representation dated 31.01.2022 to remove the wrong entry made in the encumbrance certificate which was received by the respondents on 03.02.2022. However, till date, no order has been passed on the same. Hence, this present petition is filed.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's application dated 31.01.2022 and may pass appropriate orders within a particular time frame fixed by this Court.

5. The learned Government Advocate has no objection for said order being passed.



6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's application dated 31.01.2022 and after affording an opportunity of hearing to the petitioner, pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No order as to costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road, Mylapore,
Foreshore Estate, Chennai,
Tamil Nadu - 600028.
2. The District Registrar,
Office of the District Registrar,
Nagapattinam District.
3. The Sub Registrar,
Office of the Sub-Registrar of Mannargudi,
Mannargudi, Nagapattinam District.

+1 CC to Mr.G.Ilamurgu, Advocate sr 23091
+1 CC to The Special Government Pleader sr 23656.

W.P.No.8039 of 2022

SKM(CO)
SP(21/04/2022)